

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY RUSIELEWICZ,

Plaintiff,

-against-

NYS DEPT. OF CORRECTIONS AND COMMUNITY
SUPERVISION; ANTHONY J. ANNUCCI; PAROLE
OFFICER MILZA MERCEDES; NYC DEPT OF
CORRECTIONS WARDEN BATISTA,

Defendants.

19-CV-10272 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated December 10, 2019, the Court directed Plaintiff to file an amended complaint within sixty days. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an amended complaint. Accordingly, the complaint, filed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1), is dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) as to Plaintiff's claims under 42 U.S.C. § 1983 and dismissed for failure to exhaust as to Plaintiff's claims seeking release from custody.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: February 11, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge